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FAA-00-8274-4

November 20, 2000

Docket Management System
U.S. Department of Transportation
Room Plaza 401
400 Seventh St., S.W.
Washington, D.C. 20590-0001

RE: Docket No. FAA-2000-8274; Notice No. 00-13

To whom it may concern:

In response to the Notice of Proposed Rulemaking (NPRM) governing temporary flight restrictions (TFR), the Aircraft Owners and Pilots Association (AOPA) respectfully submits the following comments on behalf of its 365,000 members nationwide. If enacted, this regulatory change will impact a large portion of the general aviation (GA) community. Given this fact, AOPA is compelled to critically review this regulatory action in an effort to validate safety enhancements while protecting the rights of its constituency.

With this rule-making action, the Federal Aviation Administration (FAA) seeks to provide a legal foundation for the establishment of temporary flight restrictions as needed throughout the national airspace system. The intent of this regulation is to address specific traffic management procedures for aircraft operations in the vicinity of aerial demonstrations or major sporting events.

AOPA acknowledges the dangers inherent to having large numbers of aircraft operating within a confined airspace when no means of control have been established. Also, the chances of an accident increase significantly when non-participating aircraft operate in close proximity to air show performers engaged in carefully choreographed routines. In such instances, the "see and avoid" methodology used for collision avoidance would be stretched to the limit of both aircraft and pilot. For these reasons, AOPA supports the safety objectives of this rule-making action.

However, in spite of its intended safety enhancements, there are several outstanding issues that should be addressed prior to the enactment of a final rule. Most notably, AOPA considers it imperative for the FAA to take positive action in providing the GA

community with the tools necessary to responsibly avoid established TFR airspace. This should not only include improvements in the Notice to Airmen (NOTAM) system, but also the leveraging of online resources to provide dynamic, real-time updates to TFR information. An effort should also be made to utilize "traditional" reference sources for communicating information to airspace users. For example, many of the 12 TFR-triggering events cited in the NPRM have predetermined times and locations known well in advance of the 56-day printing cycle used for Airport/Facility Directories (A/FD). If each A/FD were modified to include regional TFR information, airspace data could be reported to pilots through a familiar and readily available publication.

The addition of a TFR component to the A/FD would also allow for the publication of online resources and additional contact information helpful in directing pilots to the latest available updates. The inclusion of only a few pages of text per volume/printing cycle would translate into a minimal cost for the FAA, while providing an important element to support current rule-making efforts. By providing airspace users with the tools needed to easily locate critical preflight information, the FAA will not only help to mitigate the operational and regulatory impacts created by the establishment of TFRs, it will also help to insure the objectives of this new rule-making action are achieved.

In addition to these items, AOPA wishes to go on record as addressing two other specific points outlined in the proposed regulation. The first is the 30-day notification prior to the establishment of a TFR. Although a 30-day notification period is acceptable in some cases, there exists a provision allowing exclusion for "good cause." An event such as the World Series would be an instance where such an exclusion would be justified. However, AOPA is concerned that the additional regulatory power could lead to notification issues and excessive usage for smaller sporting or outdoor events. The NPRM outlines the criteria to be used for establishing TFR's, however; many of these elements are highly subjective, opening the possibility for abuse once the new regulation is enacted. AOPA strongly urges the FAA to include in its final rule more stringent guidelines for those entities soliciting the establishment of a TFR.

The final issue to be considered is the potential economic impact should these TFRs be imposed in an overzealous or reckless fashion. Many banner towers and aerial photographers rely on major sporting events as a source of income. If the TFR process is invoked too readily, this could impact a portion of these smaller operations. The FAA fails to address this point in their economic evaluation. Although it may be difficult to quantify, this financial issue is still worthy of consideration. Given this, AOPA would like the final rule to include a greater clarification of the procedures used in determining the lateral and vertical boundaries of TFR airspace. This would be a tremendous benefit to AOPA members engaged in the aforementioned activities.

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In short, access to airspace is one of the principal issues currently facing the general aviation (GA) community. Although the aim of this rule-making action is to protect both the flying and non-flying public during special events, the FAA must remain cognizant of several issues, including the potential for abuses under the proposed guidelines. Of equal importance is the methodology to be used in disseminating TFR information throughout the aeronautical community. Until such issues are addressed, AOPA cannot fully support the NPRM as published.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael W. Brown". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael W. Brown
Associate Director, Air Traffic Services
Aircraft Owners and Pilots Association

Cc: Mr. Reginald Matthews